

**FILED**

June 7, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-10043

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

OSCAR UVALLE-DEL RIO

Defendant - Appellant

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Appeal from the United States District Court for the  
Northern District of Texas, Dallas  
3:04-CR-284-ALL-K  
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Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that the parties' motion to vacate the sentence is GRANTED.

IT IS FURTHER ORDERED that the parties' motion to remand the case for re-sentencing is GRANTED.

IT IS FURTHER ORDERED that the parties' motion to extend the time to file appellant's brief is DENIED as unnecessary.

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\*Pursuant to 5<sup>TH</sup> CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.